IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1482 OF 2007

Shatrughna Ramdas Chaudhari. ...Applicant.

Versus

The State of Maharashtra ...Respondent.

ALONG WITH

CRIMINAL APPLICATION NO.1483 OF 2007

Pandurang Kathor Chaudhari. ...Applicant.

Versus

The State of Maharashtra ...Respondent.

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Mr.Sudeep Pasbola, Adv. for the Applicants.
Mr.K.V.Saste, APP, for the State.

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CORAM : SMT.V.K.TAHILRAMANI,J.

DATED : 30th April, 2007.

P.C.:

1. Heard the learned Advocate for the Applicants and the learned APP for the State.

2. The applicants are seeking bail in C.R.No.I-90 of 2006 of Taloja Police Station. The said case is mainly under Section 302 of IPC.

3. It is the prosecution case that applicants along with other accused assaulted Vijay and due to assault, Vijay died. The learned A.P.P. has stated that the present applicants and another accused were armed with iron rods and they had assaulted on the head of Vijay and other accused persons who were holding wooden sticks, they assaulted him with the said wooden sticks.

4. Mr.Pasbola, the learned Advocate for the applicants pointed out that besides the deceased, Dashrath Kadu has been injured in the incident and the said injury is incised wound. As far as the deceased is concerned, Mr.Pasbola pointed out that deceased had three injuries. Injury Nos.2 and 3 were abrasions and injury No.1 was incised wound on the head. Mr.Pasbola submitted that the injuries clearly belied the prosecution case that the injured person was assaulted by the applicants and others with iron rods and sticks. *Prima facie*, I find much merit in this submission. Hence, I am inclined to grant bail to the applicants.

5. The applicants - Shatrughna Ramdas

Chaudhari and Pandurang Kathor Chaudhari to be released on bail in the sum of Rs.30,000/- each with one or two sureties to make up the said amount. The applicant shall report to Taloja Police Station once in a week, till conclusion of the trial.

6. Applications are disposed of accordingly.

(SMT.V.K.TAHILRAMANI,J.)